

## INTERFERENCE DIGEST

Interference No. 105,222

Paper No. 27

Name: Robert M. Moore et al.

Serial No.: 09/451,319

Patent No.

Title: Preparation of concentrated aqueous bromine solutions and biocidal application thereof

Filed: 11/30/99

Interference with Yang et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 9/29/05  
\_\_\_\_\_  
\_\_\_\_\_

Court, \_\_\_\_\_ Dated, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

The opinion in support of the decision being entered today is not  
binding precedent of the Board.

Paper 59

Filed by:  
Trial Section Merits Panel  
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Filed 29 September 2005

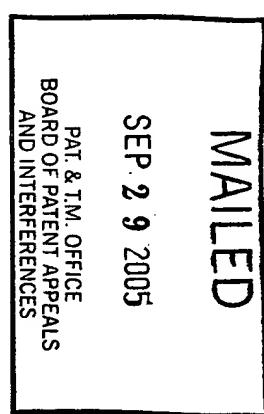
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

SHUNONG YANG, WILLIAM F. MCCOY,  
and  
ANTHONY W. DALLMIER  
Junior Party ✓  
(Patent 6,156,229),

v.

ROBERT M. MOORE  
and  
CHRISTOPHER J. NALEPA  
Senior Party  
(Application 09/451,319).



Patent Interference No. 105,223

Before SCHAFER, DELMENDO, and MOORE, Administrative Patent Judges.

MOORE, Administrative Patent Judge.

**Judgment - Bd.R. 127**

Panel decisions on motions (Papers 55 and 56) have been rendered in this interference. All involved claims of both parties, including the claim defining the count, are

unpatentable. Accordingly, a count cannot be formulated, and it is inappropriate to continue to the priority phase of this interference. Therefore, it is:

**ORDERED** that judgment as to the subject matter of Count 1 (Paper 1, p. 5) is awarded against both parties;

**FURTHER ORDERED** that junior party, SHUNONG YANG, WILLIAM F. MCCOY, and ANTHONY W. DALLMIER is not entitled to a patent containing Claims 1-20 of patent 6,156,229;

**FURTHER ORDERED** that senior party, ROBERT M. MOORE and CHRISTOPHER J. NALEPA is not entitled to a patent containing Claims 61-65 of application 09/451,319;

**FURTHER ORDERED** that a copy of this judgment be made of record in the files of application 09/451,319 and patent 6,156,229; and

**FURTHER ORDERED** that if there is any settlement agreement which has not been filed, attention shall be directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Richard E. Schafer/</u>	)	
RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
<u>/Romulo H. Delmendo/</u>	)	BOARD OF PATENT
ROMULO H. DELMENDO	)	
Administrative Patent Judge	)	APPEALS AND
	)	
<u>/James T. Moore/</u>	)	INTERFERENCES
JAMES T. MOORE	)	
Administrative Patent Judge	)	

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## **INTERFERENCE DIGEST**

Interference No. 105,223

Paper No. 29

Name: Robert M. Moore et al.

Serial No.: 09/451,319

Patent No.

Title: Preparation of concentrated aqueous bromine solutions and biocidal application thereof

Filed: 11/30/99

Interference with Yang et al.

### **DECISION ON MOTIONS**

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

### **FINAL DECISION**

Board of Patent Appeals and Interferences, Adverse Dated, 9/29/05  
\_\_\_\_\_  
\_\_\_\_\_

Court, \_\_\_\_\_ Dated, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **REMARKS**

This should be placed in each application or patent involved in interference in addition to the interference letters.

The opinion in support of the decision being entered today is not  
binding precedent of the Board.

Paper

30

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

SHUNONG YANG, WILLIAM F. MCCOY,  
and  
ANTHONY W. DALLMIER  
Junior Party  
(Patent 6,423,267 B1),

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

SEP 29 2005

MAILED

v.  
ROBERT M. MOORE  
and  
CHRISTOPHER J. NALEPA  
Senior Party  
(Application 09/451,319).

Patent Interference No. 105,222

Before SCHAFER, DELMENDO, and MOORE, Administrative Patent Judges.

MOORE, Administrative Patent Judge.

Judgment - Bd.R. 127

Panel decisions on motions (Papers 64 and 65) have been rendered in this interference. All involved claims of both parties, including the claim defining the count, are

unpatentable. Accordingly, a count cannot be formulated, and it is inappropriate to continue to the priority phase of this interference. Therefore, it is:

**ORDERED** that judgment as to the subject matter of Count 1 (Paper 1, p. 5) is awarded against both parties;

**FURTHER ORDERED** that junior party, SHUNONG YANG, WILLIAM F. MCCOY, and ANTHONY W. DALLMIER is not entitled to a patent containing Claims 1-37 of patent 6,423,267 B1;

**FURTHER ORDERED** that senior party, ROBERT M. MOORE and CHRISTOPHER J. NALEPA is not entitled to a patent containing Claims 61-70 of application 09/451,319;

**FURTHER ORDERED** that a copy of this judgment be made of record in the files of application 09/451,319 and patent 6,423,267 B1;

**FURTHER ORDERED** that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Richard E. Schafer/</u>	)	
RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
<u>/Romulo H. Delmendo/</u>	)	BOARD OF PATENT
ROMULO H. DELMENDO	)	
Administrative Patent Judge	)	APPEALS AND
	)	
<u>/James T. Moore/</u>	)	INTERFERENCES
JAMES T. MOORE	)	
Administrative Patent Judge	)	

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